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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/890,408	09/26/2001	Ludo Adriaensen	016782-0235	1783

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EXAMINER

SALVATORE, LYNDIA

ART UNIT	PAPER NUMBER
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1771

DATE MAILED: 06/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/890,408

Applicant(s)

ADRIAENSEN ET AL.

Examiner

Lynda M. Salvatore

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 17 February 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Amendment***

1. Applicant's amendment and accompanying remarks filed 02/17/05 have been fully considered and entered. Claims 4 and 18 have been amended as requested. Applicant's remarks are not found persuasive of patentability for reasons set forth herein below.

### ***Information Disclosure Statement***

2. The information disclosure statement filed 02/17/05 fails to comply with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609 because the application serial number is not correct. Applicant filed an IDS having serial number 10/951790. It appears that said IDS is not associated with the instant application. It has been placed in the application file, but the information referred to therein has not been considered as to the merits. Applicant is advised that the date of any re-submission of any item of information contained in this information disclosure statement or the submission of any missing element(s) will be the date of submission for purposes of determining compliance with the requirements based on the time of filing the statement, including all certification requirements for statements under 37 CFR 1.97(e). See MPEP § 609 ¶ C(1).

### ***Claim Rejections - 35 USC § 103***

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4. Claims 1-2, 6-15, and 17-20 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Adriaensen et al., WO 98/55682 in view of Zeng et al., US 5,807,430

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Applicant maintains a lack of motivation to combine references. Applicant asserts the prior art of Adriaensen et al., teaches away from employing wires and the prior art of Zeng et al., is used for individual applications and not for the mass production of elongated wires. These arguments are not found persuasive. With respect to Applicant's argument that the prior art of Adriaensen et al., teaches away from using wires, the Examiner maintains that Adriaensen et al., provides sufficient disclosure to employing metal wires though such a use may not be exemplified. Adriaensen et al., teaches that copper or steel wires are less flexible than cords, however, said wires are less expensive. Adriaensen et al., specifically teaches that low carbon steel wires have a much smoother surface and as a result do not adhere well to the thermoplastic matrix material. As such, the Examiner maintains that a skilled worker in the art would be motivated to look to the prior art to find ways to increase the bond strength between less expensive substrate materials (i.e., wires) and matrix material to produce a more cost effective reinforcement canvass. To that end, the patent issued to Zeng et al., teaches treating metal surfaces prior to bonding with other materials such as rubber, polymers, sealants or coatings for the purpose of enhancing the strength of the bond and to provide prolong useful life in corrosive environments (Column 2, 46-50). Zeng et al., specifically teaches treating the metal surface with a compound comprising organoalkoxysilane having silane coupling functional groups (Column 2, 54-60). With respect to Applicant's argument that the coating process of Zeng et al., is too labor intensive for mass production, the Examiner submits that Zeng et al., was relied upon to evidence that primer coating metal is known in the art rather than *how* the primer coating is applied. In other words, Zeng et al., was provided as evidence of *why* primer coating is applied not *how* said primer is applied. It is

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also respectfully pointed out that Applicant is not claiming any type of coating method or mass-produced elongated wires.

With regard to claim 13, Adriaensen et al., teaches steel, copper or a low carbon steel wire with carbon content below .4%, but fails to teach a content of at least .4%. However, the Examiner maintains that the Office recognizes no difference between “below” .4 and “at least” .4. It has been held that discovering the optimum value of a result effective variable involves only routine skill in the art. *In re Boesch*, 617 F.2d 272, 205 USPQ 215 (CCPA 1980).

5. Claims 1-2,4-5, 7-15, and 17-20 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Adriaensen et al., WO 98/55682 in view of Czerwinski, US 4,308,365.

The above arguments made with respect Adriaensen et al., are equally applicable in this particular rejection. Applicant argues that the prior art of Czerwinski does not teach a primer but teaches an adhesive. This argument is not found persuasive. The patent issued to Czerwinski teaches a reactive adhesive used to bond rubber to metal (Abstract). Czerwinski teaches that the adhesive provides environmental, weather, ultraviolet, chemical and thermal resistance properties (Abstract). Czerwinski teaches the adhesive may be applied as hot melt coating (Column 2, 50-55). Czerwinski teaches the adhesive comprises copolymers of ethylene (Column 3, 5-15). It is respectfully pointed out that Applicant recites that said primer is applied as a hot melt selected from the group consisting of ethylene copolymers, polyamides or polyesters. As such, it is the position of the Examiner that since Czerwinski teaches applying the claimed material in the claimed form (i.e., hot melt) to metal substrates, the limitation of primer coating is met. In other words, though Czerwinski does not specifically recite “primer”, it is the position of the

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Examiner that the hot melt coating provided by Czerwinski constitutes a primer coating since said coating is applied first for the purpose of facilitating the bonding of rubber to the metal surface.

6. Claims 1-3, 7-15, and 17-20 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Adriaensen et al., WO 98/55682 in view of Daisel LTD, JP 52126465A .

The above arguments made with respect Adriaensen et al., are equally applicable in this particular rejection. Applicant argues that one of ordinary skill in the art would not look to combine Adriaensen et al., with Daisel LTD. This argument is not found persuasive. The Japanese patent abstract to Daisel LTD teaches coating a metal with a primer containing organic solvent, curing the primer, and then extruding the thermoplastic resin. Suitable primer materials include polyvinylchloride (PVC), epoxy-phenol or polybutadiene dissolved in organic solvent (Abstract). Daisel LTD was provided as evidence that primer coating metal is known in the art. The Examiner has sufficiently evidenced the benefits of providing said coating as set forth above. As such, it is the position of the Examiner that a skilled worker in the art would be motivated to look to the prior art to teach primer coating metal substrates with various primer coating materials.

7. Claim 16 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Adriaensen et al., WO 98/55682, in view of Zeng et al., US 5,807,430 or Czerwinski, US 4,308,365 or Daisel LTD, JP 52126465A as applied to claim 1, and further in view of Carey, II et al., US 5,489,490 as set forth in section 6 of the last Office Action.

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The above aforementioned rejections are maintained and Applicant has not provided any new arguments for which to consider.

***Allowable Subject Matter***

8. As previously set forth in section 7 of the last Office Action, claim 12<sup>is</sup><sub>^</sub> objected to as being dependent upon a rejected base claim but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Specifically, the prior art of record fails to teach or fairly suggest a metal member having the claimed rounded I-profile. An updated search did not produce any new substantial art for which to base a rejection and presently no motivation exists to combine references to form an obvious type rejection.

***Conclusion***

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lynda M Salvatore whose telephone number is 571-272-1482. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris can be reached on 571-272-1482. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
ELIZABETH M. COLE  
PRIMARY EXAMINER